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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/822,578

04/12/2004

Ronald C. Mehl

05-0104-02

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GEORGE R. REARDON
3356 STATION COURT
LAWRENCVILLE, GA 30044

EXAMINER

DRODGE, JOSEPH W

ART UNIT

PAPER NUMBER

1723

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
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3 MONTHS

12/19/2006

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/822,578

Applicant(s)

MEHL, RONALD C.

Examiner

Joseph W. Drodge

Art Unit

1723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-12 is/are rejected.
- 7) ☒ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

The indicated allowability of claims 7-12 is withdrawn in view of the newly discovered reference(s) to in view of further consideration of 35 U.S.C. 112, 2ND PARAGRAPH and 35 U.S.C. 112, 6TH PARAGRAPH issues. Rejections based on these issues follow.

Claims 7-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 7, the word "means" is preceded by the word(s) "loosening means" in an attempt to use a "means" clause to recite a claim element as a means for performing a specified function. However, since no function is specified by the word(s) preceding "means," it is impossible to determine the equivalents of the element, as required by 35 U.S.C. 112, sixth paragraph. See *Ex parte Klumb*, 159 USPQ 694 (Bd. App. 1967).

Independent claim 7 on review is deemed to contain a plurality of U.S.C. 112, 6TH paragraph "means for..." limitations, see MPEP 2181, including "means of decontaminating", "means of measuring", "means for controlling", and "loosening means". The Disclosure is deemed to inadequately set forth what is meant by these respective claim limitations or the respective scope or metes and bounds of such limitations. Applicant has in effect failed to particularly point out and distinctly claim the invention as required by the second paragraph of section 112 (See the *In re Donaldson* citation of MPEP 2181). Specifically: it is unclear whether the "means for measuring" encompasses one or both of a single one or plurality of the probe(s) 16 described on

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page 16 and/or monitor(s) 70 described on page 21 of the Specification; it is unclear whether “means for controlling” is related to or independent from the ensuing “programmable logic controller”; it is unclear whether the “means of decontaminating” includes components additional to the components listed in parts i., ii, iii and iv of claim 7; it is unclear whether the “means of controlling” concerns one or more of described controlling of voltages or current supplied to various components of the decontamination means or additionally to other forms of controlling; and for “loosening means” it is unclear what is loosened, and from what entity or what structure is employed for loosened.

Additionally, “means of decontaminating”, and “means of measuring” should both be amended to read “means for...” to constitute proper 35 U.S.C. 112, 6TH paragraph limitations.

In claim 8, it is unclear as to what component of claim 7, the recited “titanium plates” is encompassed.

Claim 11 appears to omit text following the term “electromagnetic”.

In claim 12, “rotational loosening means” lacks antecedent basis, since claim 7 is silent as to anything rotating.

ALLOWABLE SUBJECT MATTER

Claims 7-12 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

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Claims 7-12 continue to distinguish over all of the prior art of record and in view of newly cited patents 6,482,327; 6,346,197 and 5,236,595 in view of a wastewater treatment system that encompasses means for decontaminating including a coagulation stage, energized magnetic media filtration stage, accelerated electro-chemical oxidation stage, and sludge handling stage, with the distinguishing feature of the coagulation stage including primary reactor that includes grinder, loosening means and energized media bed.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Drodge at telephone number 571-272-1140. The examiner can normally be reached on Monday-Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker, can be reached at 571-272-1151. The fax phone number for the examining group where this application is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or Public PAIR, and through Private PAIR only for unpublished applications. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have any questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JWD

December 16, 2006

Joseph Drodge
Primary Examiner